

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:08cv124**

INTERNET DIRECT RESPONSE,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER
)	
FRED BUCKLEY,)	
)	
Defendant.)	
)	

THIS MATTER is before the court on defendant's Motion to Dismiss for Lack of Personal Jurisdiction(#2) and the joint Motion to Stay Case Pending Arbitration. (#20) For cause, the parties state that they have amicably resolved the jurisdictional issue by agreeing that this court does have *in personam* jurisdiction over defendant and by agreeing that the claims in this matter should go to arbitration. The court concurs in both agreements and finds that it has personal jurisdiction over the defendant as he has the requisite minimal contacts with the forum state to satisfy both the requirements of Due Process and to be reached by North Carolina's Long-Arm Statute. Further, the court fully concurs in the agreement that arbitration is called for and further wishes to express the utmost confidence in the mediator selected in this matter, Mr. Larry Kimel. Having considered defendant's motion and reviewed the pleadings, the court enters the following Order.

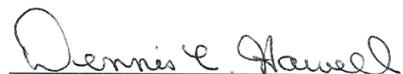
The court appreciates the fine and professional manner in which counsel and the parties have reached resolution of what appeared to be a most difficult question.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Motion to Dismiss for Lack of Personal Jurisdiction (#2) is **DENIED** as moot, the August 22, 2008, hearing on such motion is **CANCELLED**, and the joint Motion to Stay Case Pending Arbitration (#20) is **GRANTED**, and this matter is **STAYED** pending the completion of mediation, which is directed as follows:

- (1) this matter is assigned for binding arbitration before the AAA as case number 31-147-00254-07, Mr. Larry Kimel, Arbitrator Presiding;
- (2) such proceeding shall be conducted in either Buncombe County or McDowell County, North Carolina;
- (3) such proceeding shall be completed not later than January 15, 2009; and
- (4) this court retains jurisdiction over this matter for purposes of confirmation of the award of the arbitrator.

Signed: August 18, 2008



Dennis L. Howell
United States Magistrate Judge

